

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	
	:	CONSENT PRELIMINARY ORDER
- v. -	:	OF FORFEITURE/
	:	<u>MONEY JUDGMENT</u>
DANIEL RESNICK,	:	
	:	22 Cr. 682 (CS)
Defendant.	:	
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WHEREAS, on or about December 14, 2022, DANIEL RESNICK (the “Defendant”), was charged in a one-count Information, 22 Cr. 682 (CS) (the “Information”), with operation of an unlicensed money transmitting business, in violation of Title 18, United States Code, Section 1960 (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), of any and all property, real and personal, involved in the offense charged in Count One of the Information, or any property traceable to such property, including but not limited to a sum of money in United States currency representing the amount of property involved in the offense charged in Count One of the Information;

WHEREAS, the Defendant personally posted \$100,000 cash bail (the “Bail Funds”) toward a court-ordered personal recognizance bond, and the Bail Funds remain on deposit with the Clerk of Court (receipt number NYSJCA22-00138);

WHEREAS, on or about February 27, 2023, the Defendant pled guilty to Count One of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1),

a sum of money equal to \$310,800 in United States currency, representing property involved in the offense alleged in Count One of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$310,800 in United States currency, representing the amount of property involved in the offense charged in Count One of the Information; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the property involved in the offense charged in Count One of the Information cannot be located upon the exercise of due diligence; and

WHEREAS, the Defendant agrees that the Bail Funds shall be applied toward the payment of the Defendant's Money Judgment.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Derek Wikstrom, of counsel, and the Defendant and his counsel, Kerry Lawrence, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$310,800 in United States currency (the "Money Judgment"), representing the amount of property involved in the offense charged in Count One of the Information, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant DANIEL RESNICK, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. In satisfaction of the Money Judgment, the Defendant shall make a payment in the amount of \$210,800 in United States currency (the “Payment”) on or before the date of his sentencing.

4. The Payment shall be made by wire transfer to the United States Marshals Service pursuant to the wire instructions to be provided to the Defendant by the Government.

5. The United States Marshals Service is authorized to deposit the Payment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

6. Upon sentencing by the Court, in accordance with Title 28, United States Code, Section 2044, the Clerk of the Court shall pay the Bail Funds, less the Clerk’s fees, if any, to the United States in the form of a check payable to the United States Marshals Service which shall reference the Defendant’s name and case number, and be delivered to the United States Attorney’s Office, One St. Andrew’s Plaza, New York, NY, Attn: Money Laundering and Transnational Criminal Enterprises Unit.

7. Pursuant to Title 21, United States Code, Section 853, the United States Marshals Service shall be authorized to deposit the Bail Funds, as a payment on the Money Judgment, into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

8. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

9. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney’s Office is authorized to conduct any discovery needed to identify, locate


or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

10. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

11. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York


By:   
DEREK WIKSTROM  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-1085

2/27/23  
DATE

DANIEL RESNICK


By:   
DANIEL RESNICK

2/27/23  
DATE

By:   
KERRY LAWRENCE, ESQ.  
Attorney for Defendant  
140 Grand Street, Suite 705  
White Plains, NY 10601

2/27/23  
DATE

SO ORDERED:

  
HONORABLE CATHY SEIBEL  
UNITED STATES DISTRICT JUDGE

2/27/23  
DATE